



MINUTES

BOARD OF SELECTMEN

IN BOARD OF SELECTMEN

12/13/2011

6th FLOOR HEARING ROOM

Present: Chairman Betsy DeWitt, Selectman Nancy Daly,
Selectman Jesse Mermell, Selectman Richard Benka,
Selectman Kenneth Goldstein

COLLECTIVE BARGAINING

Town Administrator Melvin Kleckner and Human Resources Director Sandra DeBow will appear to discuss strategies on collective bargaining negotiations.

ANNOUNCEMENTS

Selectmen to announce recent and/or upcoming Events of Community Interest.

SELECTMEN UPDATES

Reports by individual Selectmen on activities related to carrying out the responsibilities of the Board.

PUBLIC COMMENT

Public Comment period for citizens who requested to speak to the Board regarding Town issues not on the Calendar.

MISCELLANEOUS

Approval of miscellaneous items pg.4, #s 13-18 licenses, vouchers, and contracts.

FRAUD POLICY

[Question of adopting the Fraudulent Activities policy that has been vetted by Town Counsel, the Human Resources Board, Labor Counsel and the School Committee.](#)

Comptroller Judy Haupin revised the Fraud Policy and presented it to the Board. The Selectmen added some language changes, and are in agreement with the final version.

Voted to approve Question of adopting the Fraudulent Activities policy that has been vetted by Town Counsel, the Human Resources Board, Labor Counsel and the School Committee.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

COOLIDGE CORNER THEATRE PILOT

[Question of approving and executing a PILOT with the Coolidge Corner Theatre.](#)

Director of Finance Stephen Cirillo and Michael Maynard, Coolidge Corner Theatre Board Chair appeared before the Board. Mr. Cirillo stated that the theatre is a tenant of

a property owned by the non-profit Hamilton Trust. The other tenants in the building are for profit organizations and therefore, half of the building is taxable. The portion occupied by the theatre is valued at less than \$5 million. As the theatre is a community based organization that provides numerous services to the Town, it qualifies for a 15% pilot target, rather than the standard 25% that other PILOT agreements include. Mr. Maynard added that as a small non profit organization, it took some time for the Board to review the proposal. He is happy to participate in the program. The Board noted the vitality the theatre adds to Coolidge Corner and is proud to have it in our community.

HANCOCK VILLAGE NCD COMMISSION

Question of establishing the Hancock Village Neighborhood Conservation District Commission:

a. Question of authorizing the Chairman of the Preservation Commission to make Interim appointments to a transitional Hancock Village Neighborhood Conservation District Commission (HV-NCD) at the first scheduled Preservation Commission meeting after the enabling bylaws are approved and posted. The Interim members shall serve until such time as members of the permanent HV-NCD Commission can be appointed with proper public notice according to Sec. 5.10.4 of the NCD bylaw.

Chairman DeWitt stated that it is advised

James Batchelor stated that he is willing to help out in this matter. The Board thanked the members of the Commission who agreed to serve in this roll. The goal is to have a Commission up and running that is well suited to take on this task.

Voted to approve Question of establishing the Hancock Village Neighborhood Conservation District Commission:

a. Question of authorizing the Chairman of the Preservation Commission to make Interim appointments to a transitional Hancock Village Neighborhood Conservation District Commission (HV-NCD) at the first scheduled Preservation Commission meeting after the enabling bylaws are approved and posted. The Interim members shall serve until such time as members of the permanent HV-NCD Commission can be appointed with proper public notice according to Sec. 5.10.4 of the NCD bylaw.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

BOARDS AND COMMISSIONS - INTERVIEWS

The following candidates for appointment/reappointment to Boards and Commissions will appear for interview:

Preservation Commission
Peter A. Kleiner

Human Resources Board
Beth Venti

Applicant Peter Kleiner is an architect having practiced for over 15 years. He is a recipient of the Paul E. Tsongas Award, as well as numerous other awards, and professional affiliations. Mr. Kleiner graduated from Syracuse University with a Bachelor of Architecture.

Beth Venti has served as the Regional Human Resources Manager for Blockbuster, Inc.

HUBWAY

Planning and Community Development Director Jeff Levine will appear to update the Board on the Town's plans to join the regional bicycle sharing system known as Hubway in the Spring of 2012.

a. Question of approving and executing a grant agreement with the Mass Department of Transportation Clean Air and Mobility Program in the amount of \$96,308 for "Year One Bikeshare" to partially cover capital and operating costs of Hubway with the understanding that an additional \$90,000 is programmed in the FY2013 Transportation Improvement Program as "Year Two Bikeshare".

b. Question of approving and executing a Memorandum of Agreement with the Metropolitan Area Planning Council to access a Federal Transit Administration Bus and Bus Livability Grant Program to partially fund capital and launch costs for Hubway

c. Question of approving and executing a contract with Alta Bikeshare Incorporated in the amount of \$378,023.02 for procurement and operations of bicycle share stations in Town, including options to terminate for lack of funds. Said contract to be funded as follows:

\$148,680.74	Federal Transit Administration funds (administered by the Metropolitan Area Planning Council)
\$179,737.68	State Clean Air and Mobility Funds
\$ 26,104.60	Gateway East Gift Account 1720SG43 482030
\$ 25,000.00	Hubway Gift Account SG561720SG56

d. Question of approving a regional Memorandum of Agreement with the Metropolitan Area Planning Council and the Cities of Boston, Cambridge and Somerville to jointly manage the Hubway system, and further authorizing the Chair of the Board to approve minor modifications to this regional agreement that, in her opinion, would not negatively impact the Town.

e. Question of designating Planning and Community Development Director Jeff Levine Brookline's "Project Officer" as per the Alta contract, Brookline's Project Manager" as per the MAPC Memorandum of Agreement, and Brookline's "Representative as per the Hubway Regional Memorandum of Agreement.

Planning and Community Development Director Director of Planning and Community Development Levine stated that Town Meeting created a regional bike system in 2010. In 2011 it was recommended that Brookline participate in the Hubway system. The system has been launched in Boston with about 140k riders and has exceeded everyone's expectations with only two minor incidents. The Commission would like to have more than two stations as originally planned. Having revisited this possibility a plan has been drawn to introduce 4 docking stations. Right now Brookline Village and Coolidge Corner have been designated as potential docking station areas. Selectman Mermell added that if a location is deemed to be unsuccessful, there is the possibility to move the stations for a nominal fee. Longwood T stop, and the St. Marys area, and

Washington Square are areas of interest.

Scott Mullen, General Manager of the Hubway, a Seattle based organization. There was 3600 plus members which shows immense support for the system right at the get go. The two reported instances have been minor accidents with no injuries sustained.

Jeff reviewed the contract, and stated that the town matches donation of 25k from Childrens Hospital and there is currently a gap of 31k which they are working on closing that gap through private donations. Selectman Mermell added that they are very optimistic that funding will be found. Ken asked about advertising and how it will be implemented. Jeff replied that no community is required to sell advertising on their stations. Bikes have the option to put a logo on the fenders, but the stations will not have any advertising on them. Bikes coming in may have advertising on them but Brookline owned bikes will not have them as of now. Jesse said that there has not been any issues about this from program donors and there was not a necessity to push this issue. Ken wondered if this is a missed revenue opportunity. Director of Planning and Community Development replied that it not necessary for revenue at this point, going forward we can look into it.

Ken asked about helmets and what the final resolution is. TC Jennifer stated that this is an issue in the documents we are required by State statute to make available helmets. Boston's position is that making available is what Alta does is make available through purchase. They have agreements for discounted helmets Jennifer pointed out that there needs to be a change in the actual agreement added additional indemnity language to hold harmless in 9.1. Alta is indemnifying the Town on this issue, Dick is uncomfortable with this because the making it available language as it applies to the subscribed member but what about the casual user, who may rent the bike for a day or two. Jennifer refers to the bicycle rental agreement that clarifies that it includes a casual member. Dick how do you make sure that a casual member agree to this. Mr. said that it is on the screen and you have to opt in. Boston the map has helmet icons that indicated locations for discounted helmets. Dick if you display a sign you have no liability as a renter, he would like to ensure that the sign is displayed at every location in Brookline. He urged all parties to look into this, and would like it in the agreement Dick what about minors under 18 without parents present. How would it apply to them. A minor can't enter a contract. He suggest that the parent must agree to indemnify the Town. Alto will get clarification on this. Dick subject to the approval of Town Counsel on all issues to protect all parties. Ken brought up winter when users did not know that the program ends during the winter months. Mr. Alto stated that this came to their attention that some members were unhappy not realizing that this is a seasonal program. The program operates March 1 through November. Nancy brought up the credit card requirement and wonders if this covers the use of minors since the parent authorizes the use of the credit card. Mr. Alto stated that the users must be 16 and over to participate. Jesse acknowledged that this is a detailed oriented project and everyone has put in an enormous amount of work into it. Betsy thanked Jesse and the Bike Committee it has been a thorough and thoughtful process.

2012 LICENSE RENEWALS

[Question of renewing the following licenses for 2012:](#)

- Coin-Operated Amusement Devices
- Common Victualler
- Entertainment (Weekday/Sunday)
- Food Vendors
- Innholder
- Liquor
- Secondhand Motor Vehicles - Class I & II

Chairman DeWitt stated that each category will be looked at, in some cases there were some non submissions. This year the Police Department has attached call logs pertaining to some applicants. There were no serious offense listed.

Voted to approve Question of renewing the following licenses for 2012:

Coin-Operated Amusement Devices
Common Victualler
Entertainment (Weekday/Sunday)
Food Vendors
Innholder
Liquor
Secondhand Motor Vehicles - Class I & II

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

BOARD AND COMMISSION APPOINTMENTS

Question of making possible appointments to the following Boards and Commissions:

Human Relations/Youth Resources
Human Resources Board
Naming Committee
Park and Recreation Commission
Preservation Commission

MISCELLANEOUS

Question of approving Extra Work Order No. 1 in the amount of \$300.00 for work to be performed by Commonwealth Guardrail, in connection with Contra No. PW/12-14 "Repairing Guardrail along Newton Street. Said work order to be funded from account 4911K039 6T0038.

Voted to approve 14. Question of approving Extra Work Order No. 1 in the amount of \$300.00 for work to be performed by Commonwealth Guardrail, in connection with Contra No. PW/12-14 "Repairing Guardrail along Newton Street. Said work order to be funded from account 4911K039 6T0038.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of awarding and executing Contract No. PW/12-24 "Water Main Improvements Program" in the amount of \$55,000.00 with Weston & Sampson Engineers, Inc. Said contract to be funded from account 4997C170 6C0004 (DPW CIP - Water Main Imprv.)

Voted to approve 15. Question of awarding and executing Contract No. PW/12-24 "Water Main Improvements Program" in the amount of \$55,000.00 with Weston & Sampson Engineers, Inc. Said contract to be funded from account 4997C170 6C0004 (DPW CIP - Water Main Imprv.)

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of awarding Contract No. PW/12-23 "Brookline Reservoir Dam Inspection" in the amount of \$7,900.00 to Klienfelder/SEA Consultants of Cambridge. Said contract to be funded from account 4997C169 6C0005 (DPW CIP - Storm Drain Imprv.)

Voted to approve 16. Question of awarding Contract No. PW/12-23 "Brookline Reservoir Dam Inspection" in the amount of \$7,900.00 to Klienfelder/SEA Consultants of Cambridge. Said contract to be funded from account 4997C169 6C0005 (DPW CIP - Storm Drain Imprv.)

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of approving Extra Work Order #1 in the amount of \$5,465.00 for work to be completed by Sealcoating, Inc. of Hingham in connection with Contract No. PW/12-18 "Fiber Reinforced Crack Sealing". Said work order to be funded from account 4911K058 6H0026.

Question of approving the following Extra Work Orders for work to be performed by G&R Construction in connection with the Runkle School Building Project. Said work orders to be funded from account 2594C165 6C0002:

Work Order #19	\$49,297.00
Work Order #20	\$46,744.00
Work Order #21	\$38,484.00
Work Order #22	\$39,354.00

Selectman Daly stated that there was an unforeseen beam found at the site and asbestos. To meet the necessary standards they have to be addressed and unfortunately they were not discoverable in the beginning of the project.

Question of authorizing the Town Administrator to submit an application for the MAPC's Local Energy Action Program (LEAP).

Voted to approve 19. Question of authorizing the Town Administrator to submit an application for the MAPC's Local Energy Action Program (LEAP).

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein